

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO.: 3:13-cv-152-GCM

UNITED STATES OF AMERICA

vs.

ALL FUNDS UP TO THE AMOUNT OF \$712,767
IN CORRESPONDENT ACCOUNTS, HELD
BY OR FOR THE BENEFIT OF PING'AN BANK,
PING AN BANK, OR PINGAN BANK CO.
FORMERLY SHENZHEN DEVELOPMENT
BANK), AT CITIBANK NYC, JP MORGAN
CHASE BANK NATIONAL ASSOCIATION,
THE BANK OF NEW YORK MELLON, BANK
OF AMERICA, BANK OF CHINA LIMITED,
DEUTSCHE BANK TRUST COMPANY
AMERICAS, STANDARD CHARTERED BANK,
AND WELLS FARGO BANK;

ALL FUNDS UP TO THE AMOUNT OF \$348,428
IN A CORRESPONDENT ACCOUNT, HELD BY
OR FOR THE BENEFIT OF HONGKONG AND
SHANGHAI BANKING CORPORATION (HSBC),
AT HSBC NYC

DEFAULT JUDGMENT

THIS MATTER is before the Court on the government's motion under Fed. R. Civ. P.
55(b)(2) for a Default Judgment of forfeiture against the Defendant Property.

THE COURT FINDS THAT:

1. A verified Complaint for Forfeiture *in rem* of the Defendant Property was filed on March 12, 2013. This Court found probable cause for forfeiture and issued a warrant for arrest *in rem*.
2. Process was fully issued in this action and returned according to law. Pursuant to an Order and Warrant for Arrest *in Rem*, the Government duly seized the Defendant Property. Service of process was made by certified mail, Federal Express and/or electronic mail and by internet publication of notice via www.forfeiture.gov on April 13, 2013 through May 12, 2013.

3. Hongkong and Shanghai Banking Corporation Limited (HSBC) filed a claim on April 18, 2013, within the time required by the complaint, the public notice, or Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Government subsequently entered into a Consent Order for Third Party Claim with HSBC.
4. Although Ping An Bank did not file a claim and answer the Government entered into a Consent Order and Third Party Claim with Ping An Bank.
5. No other person has filed a verified claim or an Answer within the time allowed by law, and the Clerk has accordingly entered Default.
4. Based on information identified in the Complaint, the government has shown probable cause to believe that the Defendant Property was used or intended to be used to commit or facilitate the commission of violations of 18 U.S.C. §§ 2323 and 2320 and is therefore subject to forfeiture under 18 U.S.C. § 981.

BASED ON THE FORGOING FINDINGS, THE COURT CONCLUDES that the Government is entitled to a Judgment of Forfeiture by Default against the Defendant Property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Government's Motion for Default Judgment of Forfeiture is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title or interest shall exist therein: all present and future interest in \$5,518.65 in funds held in a correspondent account of HSBC.
3. The United States is hereby directed to dispose of the forfeited Defendant Property as provided by law.

SO ORDERED.

Signed: November 26, 2013



Graham C. Mullen
United States District Judge

